



EMPLOYMENT TRIBUNALS

Claimant:

Mr L Swiatek and others
(see attached schedule)

v

Respondents:

Oxis Energy Limited (in
administration) (1)
Secretary of State for Business,
Energy and Industrial Strategy
(2)

JUDGMENT BY CONSENT

UPON reading the joint application submitted by the individuals listed in the Schedule to this Judgment (the Claimants) and the First Respondent.

AND UPON the parties having agreed to the terms of the Judgment set out below by consent

The Judgment of the Employment Tribunal made under Rule 64 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is that:

1. Permission for the claims for protective awards presented by the Claimants proceed against the First Respondent, and the lifting of the moratorium in relation to those claims, is granted by the administrators of the First Respondent. This is subject to the conditions agreed by the Claimants' representatives on 11 February 2022.

Protective Award

2. The Claimants were employed by the First Respondent.
3. Beginning on the 4th May 2021, the Claimants were dismissed by the First Respondent by reason of redundancy.
4. In relation to the Claimants the claim for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.
5. The First Respondent is ordered to pay remuneration to the Claimants named in the attached schedule for a protected period of 60 days beginning on 4th May 2021 (being the date on which the first of the dismissals to which the complaint relates took effect).

6. All further proceedings of the Claimants be withdrawn.
7. The Employment Protection (recoupment of benefits) Regulations 1996 apply to this award.

Preferential debts

8. Subject to the normal categories of preferential debts set out in Schedule 6 of the Insolvency Act 1986, any payments made by the First Respondent (rather than the Secretary of State) pursuant to this Judgment will be paid as an unsecured dividend and the Claimants agree that they will not rank or be otherwise payable as an expense of the administration or any subsequent liquidation.

Costs

9. There shall be no order as to costs or interest and each party shall bear their own costs in these proceedings.

Employment Judge Hawksworth

Date: 1 June 2022

Sent to the parties on: 6 June 2022

For the Tribunal Office

Public access to employment tribunal decisions:

All judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Case Numbers: 3314748/2021 to 3314768/2021
(332018207000 & OTHERS)**

Multiple Schedule

Multiple: 3300153 - Oxis Energy Limited

Case Number	Case Name
3314748/2021	Mr Lukasz Swiatek -V- Oxis Energy Limited (In Administration) & Others
3314749/2021	Mrs Agata Swiatek -V- Oxis Energy Limited (In Administration) & Others
3314750/2021	Mr Thomas Waddams -V- Oxis Energy Limited (In Administration) & Others
3314751/2021	Mr Robert Mills -V- Oxis Energy Limited (In Administration) & Others
3314752/2021	Mr Maciej Szczygielski -V- Oxis Energy Limited (In Administration) & Others
3314753/2021	Mr Paul Prince -V- Oxis Energy Limited (In Administration) & Others
3314754/2021	Ms Sylwia Walus -V- Oxis Energy Limited (In Administration) & Others
3314755/2021	Mr Marcin Wiech -V- Oxis Energy Limited (In Administration) & Others
3314756/2021	Mrs Renata Sadowniczy -V- Oxis Energy Limited (In Administration) & Others
3314757/2021	Mr Donae Lerwill -V- Oxis Energy Limited (In Administration) & Others
3314758/2021	Mr Geraint Minton -V- Oxis Energy Limited (In Administration) & Others
3314759/2021	Mr Alan Hussey -V- Oxis Energy Limited (In Administration) & Others
3314760/2021	Mrs Beverley Mason -V- Oxis Energy Limited (In Administration) & Others
3314761/2021	Mr Ashley Cooke -V- Oxis Energy Limited (In Administration) & Others
3314762/2021	Miss Annalisa Leech -V- Oxis Energy Limited (In Administration) & Others
3314763/2021	Miss Emma Mason -V- Oxis Energy Limited (In Administration) & Others
3314764/2021	Mr Anthony Knight -V- Oxis Energy Limited (In Administration) & Others
3314765/2021	Miss Hayley Kearney -V- Oxis Energy Limited (In Administration) & Others
3314766/2021	Ms Gemma Aldridge -V- Oxis Energy Limited (In Administration) & Others
3314767/2021	Mr Henry Warren -V- Oxis Energy Limited (In Administration) & Others
3314768/2021	Mr James Dibden -V- Oxis Energy Limited (In Administration) & Others